

Message Text

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47

ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 AF-06 ARA-10 EA-10 NEA-09

OIC-02 SCA-01 CPR-01 SS-15 SP-02 NSC-05 CIAE-00

INR-07 NSAE-00 PA-02 USIA-15 PRS-01 TRSE-00 /111 W

----- 076208

R 271135Z FEB 75

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 4923

INFO USMISSION USUN

USMISSION GENEVA

UNCLAS SECTION 1 OF 2 VIENNA 1691

E.O. 11652: N/A

TAGS: PORG, AORG, PDIP, UN, AU

SUBJECT: ARTICLES ADOPTED BY COMMITTEE OF THE WHOLE DURING
PERIOD FEB. 19-21: UN 1975 RSIO CONFERENCE, VIENNA

TEXT OF ARTICLES ADOPTED BY COMMITTEE OF THE WHOLE
FROM FEBRUARY 19 TO 21 AND REFERRED TO DRAFTING
COMMITTEE ARE GIVEN BELOW:

ARTICLE 31 (WAIVER OF IMMUNITY).

ILC TEXT ADOPTED, WITH PARAGRAPH 4(BIS) ADDED:
PARA 4(BIS) QUOTE: PRIVILEGES AND IMMUNITIES ARE
ACCORDED TO THE PERSONS MENTIONED IN PARAGRAPH 1
NOT FOR THEIR PERSONAL BENEFIT BUT IN ORDER TO SAFE-GUARD THE
INDEPENDENT EXERCISE OF THEIR FUNCTIONS
IN CONNEXION WITH THE ORGANIZATION. UNQUOTE.

ARTICLE 32 (EXEMPTION FROM SOCIAL SECURITY
LEGISLATION).

ILC TEXT ADOPTED.

ARTICLE 33 (EXEMPTION FROM DUES AND TAXES).

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ILC TEXT ADOPTED.

ARTICLE 34 (EXEMPTION FROM PERSONAL SERVICES).
ILC TEXT ADOPTED.

ARTICLE 35 (EXEMPTION FROM CUSTOMS DUTIES AND INSPECTION).
ILC TEXT ADOPTED.

ARTICLE 36 (PRIVILEGES AND IMMUNITIES OF OTHER PERSONS).

PARA 1. QUOTE: THE MEMBERS OF THE FAMILY OF THE HEAD OF MISSION FORMING PART OF HIS HOUSEHOLD AND THE MEMBERS OF THE FAMILY OF A MEMBER OF THE DIPLOMATIC STAFF OF THE MISSION FORMING PART OF HIS HOUSEHOLD SHALL, IF THEY ARE NOT NATIONALS OF OR PERMANENTLY RESIDENT IN THE HOST STATE, ENJOY THE PRIVILEGES AND IMMUNITIES SPECIFIED IN ARTICLES 28, 29, 30, 32, 33, 34 AND IN PARAGRAPHS 1B AND 2 OF ARTICLE 35. UNQUOTE.
PARA 2. ILC TEXT ADOPTED.

PARA 3. QUOTE: MEMBERS OF THE SERVICE STAFF OF THE MISSION WHO ARE NOT NATIONALS OF OR PERMANENTLY RESIDENT IN THE HOST STATE ENJOY IMMUNITY IN RESPECT OF ACTS PERFORMED IN THE COURSE OF THEIR DUTIES, EXEMPTION FROM DUES AND TAXES ON THE EMOLUMENTS THEY RECEIVE BY REASON OF THEIR EMPLOYMENT AND THE EXEMPTION PROVIDED FOR IN ARTICLE 32.

PARA 4. PRIVATE STAFF OF MEMBERS OF THE MISSION SHALL, IF THEY ARE NOT NATIONALS OF OR PERMANENTLY RESIDENT IN THE RECEIVING STATE, BE EXEMPT FROM DUES AND TAXES ON THE EMOLUMENTS THEY RECEIVE BY REASON OF THEIR EMPLOYMENT. IN OTHER RESPECTS, THEY MAY ENJOY PRIVILEGES AND IMMUNITIES ONLY TO THE EXTENT ADMITTED BY THE HOST STATE. HOWEVER, THE HOST STATE MUST EXERCISE ITS JURISDICTION OVER THOSE PERSONS IN SUCH A MANNER AS NOT TO INTERFERE UNDULY WITH THE PERFORMANCE OF THE FUNCTIONS OF THE MISSION. UNQUOTE.

ARTICLE 37 (NATIONALS OF THE HOST STATE AND PERSONS PERMANENTLY RESIDENT IN THE HOST STATE).

PARA 1. ILC TEXT ADOPTED.

PARA 2. QUOTE: OTHER MEMBERS OF THE MISSION WHO ARE NATIONALS OF OR PERMANENTLY RESIDENT IN THE
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HOST STATE SHALL ENJOY ONLY IMMUNITY IN RESPECT OF ACTS PERFORMED IN THE EXERCISE OF THEIR FUNCTIONS. HOWEVER, THE HOST STATE MUST EXERCISE ITS JURISDICTION OVER THOSE MEMBERS AND PERSONS IN SUCH A MANNER AS NOT TO INTERFERE UNDULY WITH THE PERFORMANCE OF THE FUNCTIONS OF THE MISSION. UNQUOTE.

ARTICLE 38 (DURATION OF PRIVILEGES AND IMMUNITIES).

ILC TEXT ADOPTED.

ARTICLE 39 (PROFESSIONAL OR COMMERCIAL ACTIVITY).

PARA 1. ILC TEXT ADOPTED.

PARA 2. QUOTE: UNLESS THE HOST STATE DECIDES TO GRANT ADDITIONAL PRIVILEGES AND IMMUNITIES, WHEN THEY PRACTISE A PROFESSIONAL OR COMMERCIAL ACTIVITY FOR PERSONAL PROFIT, MEMBERS OF THE ADMINISTRATIVE AND TECHNICAL STAFF, AND PERSONS FORMING PART OF THE HOUSEHOLD OF A MEMBER OF THE MISSION SHALL NOT ENJOY ANY PRIVILEGES OR IMMUNITY IN RESPECT OF ACTS PERFORMED IN THE COURSE OF OR IN CONNEXION WITH THE PRACTICE OF SUCH ACTIVITY. UNQUOTE.

ARTICLE 40 (END OF THE FUNCTIONS OF THE HEAD OF MISSION OR OF A MEMBER OF THE DIPLOMATIC STAFF).

ILC TEXT ADOPTED.

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ARTICLE 41 (PROTECTION OF PREMISES, PROPERTY, AND ARCHIVES).

PARA 1. QUOTE: WHEN THE MISSION IS TEMPORARILY OR FINALLY RECALLED, THE HOST STATE MUST RESPECT AND PROTECT THE PREMISES AS WELL AS THE PROPERTY AND ARCHIVES OF THE MISSION. THE SENDING STATE MUST

TAKE ALL APPROPRIATE MEASURES TO TERMINATE THIS SPECIAL DUTY OF THE HOST STATE AS SOON AS POSSIBLE. IT MAY ENTRUST CUSTODY OF THE PREMISES, PROPERTY AND ARCHIVES OF THE MISSION TO THE ORGANIZATION IF IT SO AGREES, OR TO A THIRD STATE ACCEPTABLE TO THE HOST STATE.

PARA 2. THE HOST STATE, IF REQUESTED BY THE SENDING STATE, SHALL GRANT THE LATTER FACILITIES FOR REMOVING THE PROPERTY AND THE ARCHIVES OF THE MISSION FROM THE TERRITORY OF THE HOST STATE. UNQUOTE.

ARTICLE 42 (SENDING OF DELEGATIONS).

PARA 1. ILC TEXT ADOPTED.

PARA 2. QUOTE: TWO OR MORE STATES MAY SEND THE SAME UNCLASSIFIED

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DELEGATION TO AN ORGAN OR TO A CONFERENCE IN ACCORDANCE WITH THE RULES AND DECISIONS OF THE ORGANIZATION. UNQUOTE.

ARTICLE 43 (APPOINTMENT OF THE MEMBERS OF THE DELEGATION).

ILC TEXT ADOPTED.

ARTICLE 44 (CREDENTIALS OF DELEGATES).

ILC TEXT ADOPTED.

ARTICLE 45 (COMPOSITION OF THE DELEGATION).

ILC TEXT ADOPTED.

ARTICLE 46 ((SIZE OF THE DELEGATION).

ILC TEXT ADOPTED.

ARTICLE 47 (NOTIFICATION).

POSTPONED.

ARTICLE 48 (ACTING HEAD OF THE DELEGATION).

ILC TEXT ADOPTED.

ARTICLE 49 (PRECEDENCE).

ILC TEXT ADOPTED.

ARTICLE 50 (STATUS OF THE HEAD OF STATE AND

PERSONS OF HIGH RANK).

PARA 1. QUOTE: THE HEAD OF THE SENDING STATE, WHEN
HE LEADS THE DELEGATION, INCLUDING ANY MEMBER OF A
COLLEGIAL BODY PERFORMING THE FUNCTIONS OF HEAD OF
STATE UNDER THE CONSTITUTION OF THE STATE CONCERNED,
SHALL ENJOY IN THE HOST STATE OR IN A THIRD STATE,
IN ADDITION TO WHAT IS GRANTED BY THE PRESENT
ARTICLES, THE FACILITIES, PRIVILEGES AND IMMUNITIES
ACCORDED BY INTERNATIONAL LAW TO HEADS OF STATE.
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UNQUOTE.

PARA 2. ILC TEXT ADOPTED.HUMES

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Disposition Event:
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